United Nations Convention on the Law of the Sea SPLOS/195

Meeting of States Parties

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Letter dated 20 April 2009 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the nineteenth Meeting of States Parties

1. In my capacity as Chairman of the Commission on the Limits of the Continental Shelf, I wish to inform you about the progress of work of the Commission since the eighteenth Meeting of States Parties, in June 2008.

2. It may be recalled that the Commission was established to perform two specific functions, as set out in article 3 (1) of annex II to the Convention:

(a) To consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea;

(b) To provide scientific and technical advice, if requested by the coastal States concerned, during the preparation of the data referred to in subparagraph (a) above.

3. Since the eighteenth Meeting of States Parties, the Commission has held its twenty-second and twenty-third sessions at United Nations Headquarters. The twenty-second session was held from 11 August to 12 September 2008. The resumed part of the twenty-second session was held from 1 to 12 December 2008. The twenty-third session was held from 2 March to 9 April 2009. Details of the work of the Commission at its twenty-second, resumed twenty-second and twenty-third sessions are contained in the statements of the Chairman on the progress of work (CLCS/60 and CLCS/62).

Twenty-second session of the Commission

Organizational and other matters at the session

4. At the twenty-second session, pursuant to rule 10 of the rules of procedure, one member of the Commission, George Jaoshvili, who had not attended any session following his election as a member of the Commission, made the solemn declaration

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in writing and delivered it to the Director of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

Consideration of submissions

5. During the twenty-second session, the Commission and its Subcommissions continued their consideration of the joint submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland, as well as the submissions made, respectively, by Norway and by France in respect of the areas of French Guiana and New Caledonia, and held meetings with the respective delegations. The Subcommission established for the consideration of the submission made by Mexico held its first official meeting, during which it undertook a preliminary analysis of the submission.

6. On 8 May 2008, the Commission received a new submission by Barbados and on 9 May 2008 a new submission by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island. The Commission decided that each submission would be examined by way of subcommission, to be established at a later session.

7. Also at its twenty-second session, the Commission completed its consideration of and adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by New Zealand on 19 April 2006".

Twenty-third session of the Commission

Consideration of submissions

8. The Commission continued the examination of the joint submission by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland as well as the submissions made by Norway, France and Mexico. The Subcommissions that had been established at previous sessions to examine those submissions continued the examination of the submissions and reported to the Commission on the work that they had carried out. In particular, the Subcommission established to consider the joint submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland and the Subcommissions established to consider the submissions made by Norway and Mexico submitted their recommendations to the Commission. Following the submission of the recommendations by the Subcommission, the Commission invited the respective delegations to address the Commission.

9. On 24 March 2009, the delegation of the four coastal States made a presentation on matters related to their submission to the plenary of the Commission. The Commission then completed its consideration of and adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the joint submission made by France, Ireland, Spain and the United Kingdom of Great Britain and Northern Ireland in respect of the area of the Celtic Sea and the Bay of Biscay on 19 May 2006".

10. On 25 March 2009, the delegation of Norway made a presentation on matters related to its submission to the plenary of the Commission. On 27 March 2009, the Commission completed its consideration of and adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission

made by Norway in respect of areas in the Arctic Ocean, the Barents Sea and the Norwegian Sea on 27 November 2006".

11. On 31 March 2009, the delegation of Mexico made a presentation on matters related to its submission to the plenary of the Commission. The Commission then completed its consideration of and adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Mexico in respect of the Western Polygon in the Gulf of Mexico on 13 December 2007".

12. The Commission had received a submission on 16 June 2008 from Indonesia and on 12 November 2008 from Japan, and on 1 December 2008 a joint submission from Mauritius and Seychelles. The submissions were presented by the respective delegations during the plenary part of the twenty-third session. The Commission decided that the submissions would be examined by way of subcommission. The Commission then proceeded to establish three new Subcommissions to consider the submissions made by Barbados, the United Kingdom of Great Britain and Northern Ireland (in respect of Ascension Island) and Indonesia. With regard to the latter, a discussion was held within the Commission on the effect of establishing more than three active subcommissions and the practical difficulties with regard to the availability of some members simultaneously for the work of different subcommissions. The Commission decided that, in order to ensure expediency and efficiency in case of a large number of submissions, another subcommission may be established as an exception to the general rule contained in the rules of procedure, according to which unless the Commission decides otherwise, only three subcommissions are to function simultaneously while considering submissions (rule 51 (4 bis). The new Subcommissions met during the twenty-third meeting, following the end of the plenary session.

Other matters

13. The Commission also prepared a response to the request of the Government of Brazil through a note verbale dated 24 July 2008, for clarifications from the Commission in relation to the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Brazil on 17 May 2004". As decided by the Commission at its twenty-second session, the response was based on a draft prepared by the subcommission established to examine the submission made by Brazil.

14. At the twenty-third session, the Commission addressed the practical implications of the growing number of upcoming submissions on the organization of work of its future sessions, in particular in relation to the inclusion of the presentation of such new submissions on the provisional agenda in conformity with annex III, section II.2, of the rules of procedure. It was decided that the presentation of all new submissions would be included in the plan of work in accordance with annex III, section II.2, unless the States concerned intended to make them at a later stage when such presentations would be more practical and useful to the work of the Commission in view of the queue system provided for under rule 51 (4 ter) of the rules of procedure. The postponement of a presentation would not affect the position of the submission in the queue.

15. In response to the request in paragraph 3 of decision SPLOS/183, at the twenty-third session the Commission decided to make available on its website two

lists of publicly available scientific and technical data relevant to the preparation of submissions to the Commission, compiled by its Scientific and Technical Advice Committee and Training Committee, with a disclaimer indicating that the Commission takes no position as to the scientific and technical data or the general content of the listed websites.

16. I wish to recall that, at its twenty-second session,[1] the Commission decided to establish a working group composed of Messrs. Brekke, Carrera, Jaafar, Symonds and Tamaki, Chairmen of past and present Subcommissions, to prepare a draft proposal on a standardized format for the recommendations to be considered at the twenty-third session of the Commission.

17. At the twenty-third session, the working group prepared a standardized format and presented it to the Commission. The Commission adopted, as its internal working document, the proposed standardized format, with some amendments, on the understanding that this would constitute a template that should be used by the subcommissions to expedite the preparation of all future recommendations.

18. The Commission decided to establish a list of the members of the Commission who have provided or are providing scientific and technical advice to coastal States. This list would contain information, to be made available by members of the Commission and maintained with the support of the Secretariat, concerning advice provided by them to coastal States either in the discharge of the advisory function of the Commission in accordance with article 3, paragraph 1 (b), of annex II to the Convention, or in any other capacity. The list would constitute an internal reference document that would assist the Commission, inter alia, in the establishment of Subcommissions as provided for by chapter X of the rules of procedure.

19. Lastly, I wish to draw your attention to the fact that at the twenty-second session, in view of the increasing workload of the Commission and the number of weeks that the members are required to spend in New York, the Commission addressed again the issue of expenses incurred by its members, including those relating to medical assistance and insurance coverage, as well as loss of income resulting from an extended stay in New York, away from normal work at home. The Commission had established an intersessional working group to prepare a draft proposal for consideration by the Commission at its next session. On the basis of a draft presented by an intersessional working group, the Commission adopted a draft decision for consideration by the nineteenth Meeting of States Parties, to clarify the nature and extent of expenses to be covered by the nominating State pursuant to article 2, paragraph 5, of annex II to the Convention (see annex). In this context, the Commission would also like to recall that in the past, a number of attempts were made before the Meeting of States Parties to consider more favourable institutional arrangements for the Commission. This is still a matter that needs to be addressed over the long term.

Future work of the Commission

20. The Commission decided that it would resume its twenty-third session from 3 to 7 August 2009. During the resumed session, the Subcommission established to examine the submission made by Barbados would meet. The twenty-fourth session of the Commission will be held from 10 August to 11 September 2009, on the

[1] See CLCS/60, para. 60.

understanding that the periods from 24 August to 4 September would be for plenary meetings and that the periods from 10 to 21 August and from 8 to 11 September would be used for the technical examination of submissions at the Geographic Information System laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea. The Subcommission established to examine the submission made by France would meet from 17 to 21 August; the Subcommission established to examine the submission made by Barbados would meet from 10 to 14 August; the Subcommission established to examine the submission made by the United Kingdom of Great Britain and Northern Ireland (in respect of Ascension Island) would meet from 10 to 21 August and from 8 to 11 September; and the Subcommission established to examine the submission made by Indonesia would meet from 10 to 21 August and from 8 to 11 September.

21. The Secretariat informed the Commission about the tentative dates for the sessions to be held in 2010 and 2011, on the understanding that these dates and the provision of conference services are subject to approval by the General Assembly. The tentative dates for the plenary parts of the sessions of the Commission in 2010 and 2011 are as follows: twenty-fifth session, from 5 to 16 April 2010; twenty-sixth session, from 16 to 27 August 2010; twenty-seventh session, from 28 March to 8 April 2011; and twenty-eighth session, from 8 to 19 August 2011.

22. In recent years, the workload of the Commission has substantially increased. Furthermore, with the large number of submissions expected by May 2009, the workload before the Commission will increase manifold. In this context, on behalf of the Commission, I would like to express our gratitude to the Meeting of States Parties for its continued support for the work of the Commission.

23. On behalf of the Commission, I would also like to express gratitude to the Division for Ocean Affairs and the Law of the Sea for the high standard of secretariat services it renders to the Commission.

24. I would like to request that the present letter be circulated as a document of the nineteenth Meeting of States Parties.

(*Signed*) Alexandre Tagore Medeiros de **Albuquerque**
Chairman of the Commission on the Limits of the Continental Shelf

Annex

Draft resolution for the nineteenth Meeting of States Parties

The Meeting of States Parties,

Reaffirming the importance of the work of the Commission on the Limits of the Continental Shelf for coastal States and the international community as a whole,

Mindful of the anticipated workload of the Commission owing to an increasing number of submissions, placing additional demands on its members,

Desirous to ensure that the Commission can perform its functions under the United Nations Convention on the Law of the Sea ("the Convention") effectively and maintain its high level of quality and expertise,

Acknowledging the efforts of the Commission to examine submissions in a timely manner and that despite the current financial constraints, eight recommendations for coastal States have been issued to date,

Underlining the need to ensure that all members of the Commission can fulfil their duties effectively, including their full participation in the sessions of the Commission and the meetings of the subcommissions,

Recognizing that the average amount of work forecast for members of the Commission for the foreseeable future will require their attendance at United Nations Headquarters for at least two sessions of up to two months each per year, and therefore that it is crucial that the members of the Commission have guaranteed financial support for their presence for up to four months per year in New York, while the job positions and salaries of members in their home countries need to be retained and guaranteed, as appropriate, without prejudice to their career, whereas for other members, the loss of their earnings needs to be covered so that their financial well-being is not affected,

1. *Decides* to continue to address the issues related to the workload of the Commission and funding for its members attending the sessions of the Commission and the meetings of the subcommissions as a matter of priority;

2. *Calls upon* States Parties whose experts are serving on the Commission to do their utmost to ensure the full participation of those experts in the work of the Commission, in accordance with the Convention;

3. *Clarifies* that the expenses referred to in paragraph 5, article 2, of annex II to the Convention[a] shall include the following items:

(a) Airline tickets and travel insurance;[b]

(b) Per diem;

(c) Accommodation;

(d) Local transportation;

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[a] "5. The State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties".

[b] Normally, the items relating to airline tickets, per diem, accommodation and local transportation are covered under the existing financial rules and regulations of the nominating States.

(e) Reimbursement for loss of income;[c]

(f) Medical insurance;[d]

(g) Appropriate computer hardware and software for access to secure Internet sites of the Commission;[e]

(h) Other reimbursable expenses, including telephone calls.

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[c] A number of members of the Commission are no longer employed by their respective Governments; they are either employed in the private sector or self-employed. For the latter category, the time they spend in New York for the work of the Commission has to be compensated for because of their loss of business opportunities and/or loss of regular income. It is recommended that such members of the Commission be compensated for their loss of income amounting to an equivalency at the D-1 level salary scale, prorated by twice the length of time spent in New York. As per the current International Civil Service Commission salary scale, this scale ranges from $132,609 to $154,402 per year (ST/IC/2009/6, dated 15 January 2009).

[d] In the absence of any financial rule relating to medical insurance or coverage for members of the Commission serving in New York, it is recommended that the current United Nations medical and dental insurance plans be applied (ST/IC/2008/29, dated 12 June 2008).

[e] By the nature of the work and the confidentiality of the material handled by members of the Commission, it would be wise for each member to be provided with appropriate computer hardware and software for access to secure Internet sites of the Commission.